REMARKS

The Communication required submission of a computer readable and paper copy of the sequence listing.

It is respectfully asserted that the sequence disclosure contained in the application now fully complies with the requirements set forth in 37 C.F.R. § 1.821 to § 1.825.

It is respectfully submitted that the Sequence Listing conforms to the requirements of 37 C.F.R. §1.823(b). The Statements required by 37 C.F.R §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821 (g), the undersigned hereby states that this submission, filed in accordance with 37 C.F.R. §1.821 (g), does not contain new matter.

Pursuant to 37 C.F.R. §1.821 (f), the undersigned hereby states that the content of the paper and computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §1.821 (c) and (e), respectively, are the same.

-3- 00072968

CONCLUSION

In view of the amendments, remarks and enclosures herein, it is respectfully submitted that the application now complies with all requirements set forth in the Communication, including the requirements for computer readable disclosure of the biological sequences under 37 C.F.R. §1.821-1.825. Reconsideration and withdrawal of the objections are earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP Attorneys for the Applicant

By

William S. Frommer Reg. No. 25,506 (212) 588-0800

Enclosures:

-Paper copy of Sequence Listing

-Computer Readable Copy of Sequence Listing

-Copy of the Communication





APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/677,672	10/02/2000	Jean-Christophe Francis Audonnet	454313-3160	3424	
20999	7590 06/06/2002				
FROMME	R LAWRENCE & HA	EXAMINER			
745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, DAVE TRONG		
			ART UNIT	PAPER NUMBER	
	. , — .		1632		
Lexiste Listens 11			DATE MAILED: 06/06/2002	· 6	
Sign	ience Lister	<u></u>			

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/677,672	10/02/2000	Audonnet	
		DAVE NGUYEN	EXAMINER
		ART UNIT	PAPER NUMBER
		1632	6
		DATE MAILE	:n·

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications regarding the formalities should be directed to Patent Analyst Dianiece Jacobs, whose telephone number is (703) 305-3388.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to examiner *Dave Nguyen* whose telephone number is (703) 305-2024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Deborah Reynolds*, may be reached at **(703) 305-4051**.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 305-7401.

Any inquiry of a general nature or relating to the status of this application should be directed to the *Group receptionist* whose telephone number is **(703) 308-0196**.

Dave Nguyen Primary Examiner Art Unit: 1632

DAVET. NGUYEN DAVET. NGUYEN

Application No.: 09/677,672

NOTICE TO COMPLY WITH REQUIREMENTS FOR FATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

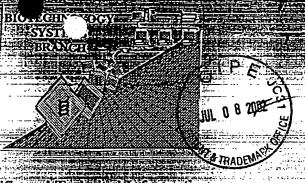
Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

	1.	1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).					
	2.	This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).					
	3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).						
X	4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."						
	5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).						
	6.	The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).					
x	7.	Other: Please see the attached Raw Sequence Listing Error Summary JUL 1 6 2002					
Ap	pli	cant Must Provide: TECH CENTER 1600/290					
X	Aı	n initial or substitute computer readable form (CRF) copy of the "Sequence Listing".					
X		n initial or <u>substitute</u> paper copy of the "Sequence Listing", as well as an amendment directing its entry to the specification.					
X	ap	A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).					
For	· q	uestions regarding compliance to these requirements, please contact:					
For	·R	ules Interpretation, call (703) 308-4216					
		RF Submission Help, call (703) 308-4212					
Patentln Software Program Support							
		echnical Assistance703-287-0200 o Purchase PatentIn Software703-306-2600					
	- 1	o i dionaso i alentin oonware					

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

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The Biotechnology: Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/677,672 RECEIVED

Source: 0/PE: JUL 1 6 2002

Date Processed by STIC: 10/13/2000 TECH CENTER 1600/2900

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216. PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax) PATENTIN 3.0 e-mail help: patin30help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE <u>CHECKER</u> <u>VERSION 3.0 PROGRAM</u>, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address: http://www.uspto.gov/web/offices/pac/checker



Sequence Sisting Greor Su nary

ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER:

09/677,67

ATT	N: NEW RULES CASES:	PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED	BY PTO SOFTWARE
1	_ Wrapped Nucleics	The number/lext at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it.	PEVO
	r in the second	Please adjust your right margin to .3, as this will prevent "wrapping".	A DOLL IN
2 - 5	Wrapped Aminos	The amino acid number/led at the end of each line "Wrapped" down to the next line	IN OB
· · · · · · · · · · · · · · · · · · ·	Togeth State of	This may occur if your file was retrieved in a word processor after creating it.	
	and the second	Please adjust your right margin to .3, as this will prevent wrapping.	· WENT & TRADE
3	_ Incorrect Line Length	The rules require that a line not exceed 72 characters in length. This includes space	es.
4	Misaligned Amino Acid	The numbering under each 5th amino acid is misaligned. This may be caused by the	e use of tabs
	Numbering	between the numbering. It is recommended to delete any labs and use spacing between	reen the numbers.
5	Non-ASCII	This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.	•
		This file was not saved in ASCII (DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text so that it can be proceeded to the same of the same o	proceseed—
		·	RECEIVE
6	_ Variable Length	Sequence(s) contain it is or xaa s which represented more than one residue.	
	-	As per the rules, each n or Xaa can only represent a single residue.	JUL 1 6 2002
		Please present the maximum number of each residue having variable length and	TEOU OF HEED / control
	• .	indicate in the (ix) feature section that some may be missing.	TECH CENTER 1600/29
7	Palentin ver. 2.0 "bug"	A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing t	from amino acid
	-	sequence(s) Normally, Patentin would automatically generate this s	ection from the
		previously coded nucleic acid sequence. Please manually copy the relevant <220>-	
		to the subsequent amino acid sequence. This applies primarily to the mandator sections for Artificial or Unknown sequences.	y <220>-<223>
		Sections for Artificial of Officiown Sequences.	
8	Skipped Sequences (OLD RULES)	Sequence(s) missing. If intentional, please use the following format for each sk (2) INFORMATION FOR SEQ ID NO:X:	
		(i) SEQUENCE CHARACTERISTICS: (Do not insert any headings under "SEQUEN	CE CHARACTERISTICS")
		(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:	
		This sequence is intentionally skipped -	
		Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the sk	ipped sequence(s).
9	Skipped Sequences	Sequence(s) missing. If intentional, please use the following format for each ski	ipped sequence.
	(NEW RULES)	<210> sequence id number	
		<400> sequence id number	
		000	
10	Use of n's or Xaa's	Use of n's and/or Xaa's have been detected in the Sequence Listing.	-
	(NEW RULES)	Use of <220> to <223> is MANDATORY if n's or Xaa's are present.	
	(**************************************	In <220> to <223> section, please explain location of n or Xaa, and which residue n	or Xaa represents.
			•
11	Use of <213>Organism	Sequence(s) are missing this mandatory field or its response.	
	(NEW RULES)		- "
12	Hen of annual Facture	Secure 2/2) are missing the <200 Feature and recognized headings	•
12	Use of <220>Feature (NEW RULES)	Sequence(s) are missing the <220>Feature and associated headings Use of <220> to <223> is MANDATORY if <213> ORGANISM is "Artificial" or "Unknown."	own"
	(Please explain source of genetic material in <220> to <223> section.	· • • • • • • • • • • • • • • • • • • •
		(See "Federal Regisler," 6/01/98, Vol. 63, No. 104, pp. 29631-32)	(Sec. 1.823 of new Rules)
	/ _	(200 1 200 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2	
13	Patentin ver. 2.0 "bug"	Please do not use "Copy to Disk" function of Patentln version 2.0. This causes	a corrupted
		file, Testitling in missing mandatory numeric identifiers and responses (as indicated or	•
		Instead, please use "File Manager" or any other means to copy file to floppy disk.	



RAW SEQUENCE LISTING DATE: 10/13/2000 PATENT APPLICATION: US/09/677,672 TIME: 08:27:22

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-> 10 <141> CURRENT FILING DATE: 2000-10-02 ON NUMBER: PCT/FR99/00666
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ON NUMBER: 98 04409 FRANCE
PE: 1998-04-03
O NOS: 13
In Ver. 2.1
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walid reports for 62137 are: Unknown or
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PATENT APPLICATION: US/09/677,672

TIME: 08:27:2

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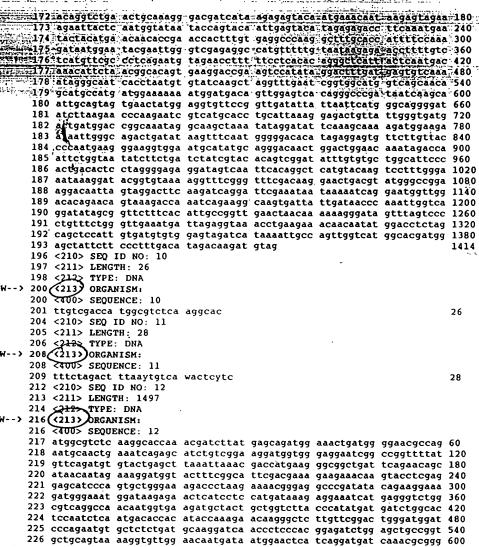
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JUL 1 6 2007
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RAM SEQUENCE LISTING

ATENT APPLICATION: US/09/677767

TIME: 08:27:22

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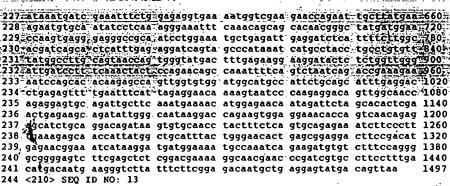


RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/677,672

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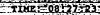
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JUL 1 6 2002 **TECH CENTER 1600/2900**







Input Set : Ar\Audonnel.app

Output Set: N:\CRF3\10132000\1677672.raw

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